

RECEIVED
UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

10 AUG 18 PM 12:03

U.S. BANKRUPTCY COURT
MINNEAPOLIS, MN

In Re:

BKY NO. 09-50779

Dennis E. Hecker

CHAPTER 7 CASE

Debtor.

**OBJECTION OF DENNIS E. HECKER TO MOTION FOR APPROVAL
OF SETTLEMENT AGREEMENT**

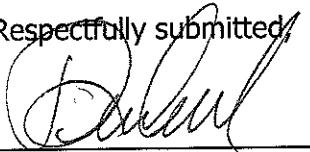
Debtor objects to the Motion of Trustee for Approval of Settlement as follows:

1. The subject of the Trustee's motion is real property located at 1615 Northridge Drive, Medina, MN, legally described as:

Lot 15, Block 3, North Ridge Farm, Hennepin County, MN.
2. The Trustee has no interest in the real property, having conveyed his interest in the property by Trustees Deed dated February 10, 2010, in exchange for consideration believed to amount to \$75,000.
3. Palladium Holdings, LLC has no interest in the real property due to the fact that Palladium was not a lien holder at the time of its purported redemption of the property from foreclosure, its lien having been paid and satisfied in full before the time for redemption by Palladium Holdings.
4. The Settlement Agreement has as parties to the agreement persons who have no interest in the real property (e.g. the Trustee), and omits others who have an interest in the real property (e.g. Ralph Thomas).
5. The entry of an order approving the settlement agreement would give the appearance that the Bankruptcy Court has predetermined that the Trustee or Palladium Holdings has a possessory estate in the real property; a determination that is not proper at this time since all parties with interest in the property are not before the Court and because determination of issues concerning title to and interest in the real property is better made in a Proceeding Subsequent pursuant to Minn. Stat. §508.71.
6. GMAC may have a secured interest in the property and is an interested party not before this Court.

Dated: 8-18-10

Respectfully submitted,



Dennis E. Hecker

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA**

In Re:

BKY NO. 09-50779

Dennis E. Hecker

CHAPTER 7 CASE

Debtor.

**AFFIDAVIT OF DENNIS E. HECKER IN SUPPORT OF
OBJECTIONS TO TRUSTEE'S MOTION FOR APPROVAL OF SETTLEMENT**

State of Minnesota)
)
) ss.
County of Hennepin)

Dennis E. Hecker, being first duly sworn, deposes and says:

1. That I make this affidavit of my own knowledge and that it is true, except as to matters stated on information and belief, and as to those matters I believe it to be true.
2. That on and before July 26, 2010, I was the fee owner of real property in Hennepin County, Minnesota commonly known as 1615 Northridge Drive, Medina, MN, legally described as follows: Lot 15, Block 3, North Ridge Farm (hereafter "real property").
3. I am presently in possession of said real property.
4. That on or about February 3, 2010, the Trustee conveyed all of the Trustee's right, title and interest in and to said real property to Ralph Thomas.
5. That, on information and belief, the Trustee received \$75,000.00, as consideration for the execution and delivery of said deed.

6. That Palladium Holdings, LLC claimed an interest in said property as a lien creditor by reason of the assignment to it of a judgment in District Court File No. 27CV-8-25766 entered January 27, 2009 and Docketed April 29, 2009.
7. That on July 20, 2010, pursuant to court order of the Hennepin County District Court, I paid into court the sum of \$861.73 to satisfy said judgment.
8. That at the time that Palladium Holdings exercised its supposed right of redemption on the real property, the judgment upon which it based its right of redemption as a lien creditor had been paid and satisfied in full, hence Palladium Holdings was no longer a lien creditor.
9. That since Palladium Holdings was not a lien creditor, it had no right to redeem the real property from foreclosure.
10. That none of the parties to the supposed Settlement Agreement has the immediate right to possession of the real property.
11. That attached hereto as Exhibit A is a true and correct copy of the Trustee's Deed for the real property
12. That attached hereto as Exhibit B is a true and correct copy of the Order to Pay Judgment into Court and Satisfied in District Court File No. 27CV08-25766.
13. That attached hereto as Exhibit C. is a true and correct copy of the Receipt for payment of said judgment.
14. That attached hereto as Exhibit D is a true and correct copy of the Certificate of Satisfaction in District Court File No. 27CV08-25766.

15. That attached hereto as Exhibit E is a true and correct copy of the Judgment Roll showing the judgment entered on behalf of Koch Group MPLS, LLC, David Koch, Scott Kotaska and Tara Cain, which was assigned to Palladium Holdings, LLC.

16. That attached hereto as Exhibit F is a true and correct copy of Certificate of Title 804148, which is the property subject to this motion, which shows the condition of title as of 7/7/2010 and which shows the assignment to Palladium Holdings of the judgment that was paid and satisfied as demonstrated by Exhibits B, C & D.

Further your affiant sayeth naught, except that this Affidavit is prepared in support of Debtor's Objection to Settlement Agreement.

Dated August 17, 2010.



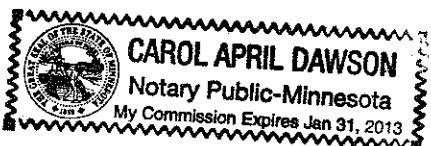
Dennis E. Hecker

Subscribed and sworn to before me
this 17th day of August, 2010.



Notary Public

My commission expires 1/31/13



TRUSTEE'S DEED

Dated: _____, 2010

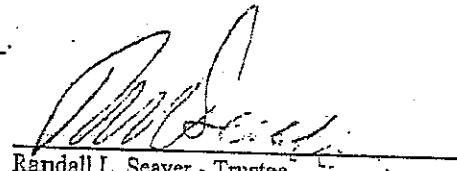
State deed tax due \$ _____

FOR VALUABLE CONSIDERATION, Randall L. Seaver, Grantor, the Trustee of the bankruptcy estate of Dennis E. Hecker, Bankruptcy Case No. 09-50779, which case is now pending, hereby conveys and quitclaims to Ralph Thomas, Grantee, real property in Hennepin County, Minnesota, together with all hereditaments and appurtenances belonging thereto, described as follows:

Lot 15, Block 3, North Ridge Farm, Hennepin County, Minnesota

The Grantor certifies that he does not know of any wells on the above-described real estate.

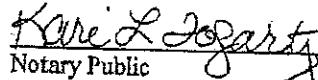
The consideration paid for this deed is \$ _____



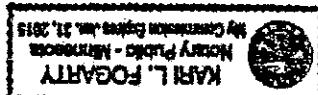
Randall L. Seaver - Trustee

STATE OF MINNESOTA)
DAKOTA) ss.
COUNTY OF RAMSEY)

The foregoing instrument was acknowledged before me this 3rd day of February, 2010, by Randall L. Seaver, as Trustee of the bankruptcy estate of Dennis E. Hecker, Bankruptcy Case No. 09-50779.



Kari L. Fogarty
Notary Public



Statements for real estate taxes and the
property described above should be sent to:

Ralph Thomas

This Instrument was Drafted by:
Matthew Burton
Leonard, O'Brien, Spencer, Gale & Sayre, Ltd.
100 South Fifth Street
Suite 2500
Minneapolis, Minnesota 55402
(612) 332-1030

416261

STATE OF MINNESOTA

FILED

FOURTH JUDICIAL DISTRICT

COUNTY OF HENNEPIN

2010 JUL 20 AM 10:16

DISTRICT COURT

BY *[Signature]* DEPUTY
HENN CO. DISTRICT
COURT ADMINISTRATOR

Dennis Hecker

Plaintiff

Order To Pay Judgment Into Court and
Satisfied

vs

Koch Group MPLS

File No.: 27-CW-08-25766

Defendant

It is hereby ordered that pursuant to his/her affidavit, that the judgment debtor shall pay the judgment in the above entitled action into District Court. District Court is ordered to satisfy the judgment in full, once the funds have been deposited into court. (JNP)

By THE COURT:

Dated: July 20, 2010

Janet N. Poston
District Court Judge
Janet N. Poston for
Deborah Hedlund

STATE OF MINNESOTA, COUNTY OF HENNEPIN
I hereby certify this _____ page document
to be a true and correct copy of the original
on file and of record in my office.

District Court Administrator

By *[Signature]* Deputy

OFFICIAL RECEIPT
Hennepin County Civil/Judgments
300 South Sixth Street, C12
Minneapolis, MN 55487-0421

Payor
Hecker, Dennis
1492 Hunter Drive
Wayzata, MN 55391 Receipt No.
1227-2010-25152
Transaction Date
07/20/2010

Description	Amount Paid
On Behalf Of Hecker, Dennis 27-CV- 08- 25766 Dennis Hecker vs Koch Group Mpls LLC, David Koch, Scott Kotaska, Tara Cain cash	

Cash Trust 86'
SUBTOTAL 86'

PAYMENT **861.73**
TOTAL

861.73

861.73

0.00

07/20/2010 Audit
02:34 PM #21621402081

OFFICIAL RECEIPT

STATE OF MINNESOTA

COUNTY OF HENNEPIN

Dennis Hecker

Plaintiff(s),

-vs-

Koch Group MPLS, LLC, David Koch,
Scott Kotaska and Tara Cain,
Defendant(s).

FILED

DISTRICT COURT

FOURTH JUDICIAL DISTRICT

JUL 20 2010

DIST. COURT ADMINISTRATOR

DEPUTY

Certificate of Satisfaction
File Number: 27-CV08-25766

4900

The records of this Court indicate that judgment was entered in the above case on 4-29-09 , as follows:

That judgment is entered in favor of the assignee, Palladium Holdings LLC and against the plaintiff in the amount of \$813.67

Judgment was ordered and paid into court on July 20, 2010 and SATISFIED IN FULL.

The amount paid into Court is as follows:

TOTAL AMOUNT DUE INCLUDING INTEREST AND COSTS
\$861.73

- X This payment was received into court by cash. In order to obtain this money, you will have to contact the District Court Judgment Department at 612-348-3169.
- This payment was received into court by check. The Accounting Office will not disburse the funds until the deposit instrument has cleared the bank. There is a 21 day stay for the check to clear the bank. In order to obtain this money after the check has cleared, you will have to contact the District Court Judgment Office at 612-348-3169.
(If the check fails to clear, the satisfaction on the judgment will be vacated and the judgment will be reactivated against the debtor.)

THIS IS A CERTIFICATION OF THE OFFICIAL RECORD OF THIS COURT
ON 7-20-10

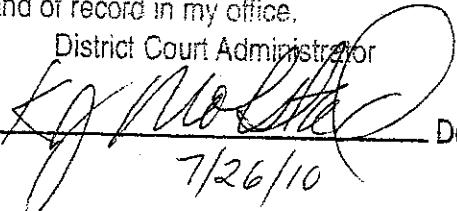
BY THE COURT
DISTRICT COURT ADMINISTRATOR

By

Court Clerk

COPY

STATE OF MINNESOTA, COUNTY OF HENNEPIN
I hereby certify this _____ page document
to be a true and correct copy of the original
on file and of record in my office.

District Court Administrator
By 
Deputy
7/26/10

STATE OF MINNESOTA
COUNTY OF HENNEPIN

Dennis Hecker

Plaintiff(s)

-vs-

Koch Group MPLS, LLC, David Koch,
Scott Kotaska and Tara Cain,

Defendant(s)

DISTRICT COURT
FOURTH JUDICIAL DISTRICT
JUDGMENT

Entered: January 27, 2009
Docketed: April 29, 2009
Time: 12:06 a.m.

JUDGMENT ROLL

File No.: 27CV08-25766

This cause having been regularly placed upon the calendar of the above named Court, came on for hearing on the 14th day of January, 2009, upon motion of Plaintiff and the Court, after hearing the arguments of counsel and being advised in the premises, did, on the 23rd day of January, duly make and file its order granting said motion and for judgment herein.

Now, pursuant to said order and on motion of Stephen Barrows, Esq., Attorney for the Defendant,

IT IS HEREBY ADJUDGED:

1. That Defendants motion for summary judgment is granted.
2. That Plaintiffs complaint is dismissed with prejudice. Defendants are entitled to costs and disbursements from Plaintiff.
3. That judgment is entered in favor of the Defendants and against the Plaintiff for the sum of Eight Hundred Thirteen and 67/100 (\$813.67) Dollars, the amount ordered to date hereof.

\$813.67

BY THE COURT
DISTRICT COURT ADMINISTRATOR

By  Court Clerk

STATE OF MINNESOTA, COUNTY OF HENNEPIN
I hereby certify this 1/27/09 page document
to be a true and correct copy of the original
on file and of record in my office.
District Court Administrator

By  Deputy

1 Judgment on Motion

Certificate of Title

Certificate Number:**804148**

Transfer From Certificate Number: **796360**

Originally registered April 24, 1987 Volume:2345, Certificate No: 698945, District Court No: 19036

State of Minnesota }
County of Hennepin } s.s.

Registration

This is to certify that

Dennis E. Hecker, whose address is 1615 Northridge Drive, Medina, Minnesota

is now the owner of an estate in fee simple

In the following described land situated in the County of Hennepin and State of Minnesota:

Lot 15, Block 3, North Ridge Farm.

Subject to drainage and utility easements as shown on plat and as contained in the dedication clause thereof;

Subject to and together with a Declaration of Covenants, Conditions, Restrictions, Charges and Liens as contained in Document No. 5004854, office of County Recorder;

Subject to the interests shown by the following memorials and to the following rights or encumbrances set forth in Minnesota statutes chapter 508, namely:

1. Liens, claims, or rights arising under the laws of the Constitution of the United States, which the statutes of this state cannot require to appear of record;
2. Any real property tax or special assessment for which a sale of the land has not been had at the date of the certificate of title;
3. Any lease for a period not exceeding three years, when there is actual occupation of the premises under the lease;
4. All rights in public highways upon the land;
5. Such right of appeal or right to appear and contest the application as is allowed by law;
6. The rights of any person in possession under deed or contract for deed from the owner of the certificate of title;
7. Any outstanding mechanics lien rights which may exist under sections 514.01 to 514.17.

Memorials

Document Number	Document Type	Date of Registration Month Day, Year Time	Amount (\$)	Running in Favor Of
2282725	Mortgage	Jul 24, 1992 9:00 AM	\$400,000.00	FBS Mortgage Corporation (a NV corp) Minneapolis, MN
2311591	Assignment of Mortgage	Nov 2, 1992 12:00 PM		First Wisconsin Trust Company, as Trustee under the Pooling & Servicing Agreement dated September 1, 1992 Series 1992-D 615 E. Michigan Milwaukee, WI Assigns document no(s). 2282725.0
2410243	Mortgage	Aug 13, 1993 9:00 AM	\$730,000.00	Norwest Bank Minnesota, National Association St. Paul, MN
2474587	Power of Attorney	Feb 1, 1994 2:00 PM		Jean G. Schudt from Dennis E. Hecker
2474588	Mortgage	Feb 1, 1994 2:00 PM	\$602,000.00	Norwest Mortgage, Inc. P.O. Box 5137 Des Moines, IA
2480237	Satisfaction of Mortgage	Feb 14, 1994 12:00 PM		Walden Leasing, Inc. Satisfies document no(s). 2410243.0
2536550	Mortgage	Jul 28, 1994 11:00 AM	\$250,000.00	Firstar Bank of Minnesota, N.A. Arden Hills, MN
2536551	Certificate and Request for Notice	Jul 28, 1994 11:00 AM		Firstar Bank of Minnesota, N.A. requests notice re-foreclosure (See Inst)
2864882	Assignment of Mortgage	Nov 25, 1997 4:00 PM		Residential Funding Corporation Minneapolis, MN Assigns document no(s). 2474588.0
3205977	Satisfaction of Mortgage	Sep 21, 1999 4:00 PM		Satisfies document no(s). 2536550.0

Memorials				
Document Number	Document Type	Date of Registration Month Day, Year Time	Amount (\$)	Running in Favor Of
3223971	Mortgage	Nov 10, 1999 11:00 AM	\$250,000.00	Firstar Bank U.S.A., N.A., 1529 White Oak Drive, City of Waukegan, State of Illinois
3473642	Mortgage	Dec 17, 2001 1:00 PM	\$650,000.00	Mortgage Electronic Registration Systems, Inc., (a DE corp), P.O. Box 2026, City of Flint, State of Michigan Made by Dennis E. Hecker & Tamitha D. Hecker, hus & wf
3473643	Mortgage	Dec 17, 2001 1:00 PM	\$250,000.00	GMAC Mortgage Corporation, (a PA corp), 100 Witmer Road, City of Horsham, State of Pennsylvania Mortgage Electronic Registration Systems, Inc., P.O. Box 2026, City of Flint, State of Michigan
3491279	Certificate of Release of Mortgage	Jan 25, 2002 11:00 AM		Releases document no(s). 2282725.0
3503372	Satisfaction of Mortgage	Feb 15, 2002 4:00 PM		Satisfies document no(s). 2474588.0
4161898	Assignment of Mortgage	Sep 14, 2005 4:00 PM		U.S. Bank National Association c/o Briggs and Morgan, P.A. 2200 IDS Center, City of Minneapolis, State of Minnesota Assigns document no(s). 3223971.0
4161899	Amendment of Mortgage	Sep 14, 2005 4:00 PM		U.S. Bank National Association c/o Briggs and Morgan, P.A. 2200 IDS Center, Minneapolis, MN Amending Doc No 3223971.
4383786	Amendment	May 7, 2007 9:00 AM		Amends Doc No 1651379
4638917	Mechanic's Lien	Apr 30, 2009 12:00 PM	\$6,724.45	Condor Fireplace and Stone Company, (a MN corp) Date of Last Item: Mar 11, 2009
4704494	Notice of Pendency and Power of Attorney to Foreclose	Nov 17, 2009 11:06 AM		The Public Stein & Moore, P.A. Re: Mtge Doc No 3223971
4721940	Sheriff's Certificate	Jan 19, 2010 10:59 AM		U.S. Bank National Association Date of sale Jan. 19, 2010 Re: Mtge. Doc No. 3223971 Redemption Period: Six months from the date of said sale.
4747121	Judgment	Apr 20, 2010 3:34 PM	\$324,938.72	New Buffalo Auto Sales, LLC and Maurice J Wagener On int of Monticello Motors LLC and Dennis E Hecker
4747638	Judgment	Apr 22, 2010 11:00 AM		Dennis Hecker
4765099	Notice of Intention to Redeem	Jun 23, 2010 4:00 PM		The Public. Given by New Buffalo Auto Sales, LLC, (a MN llc) Regarding Sheriff's Certificate document no(s) 4721940
4768580	Assignment	Jul 8, 2010 9:31 AM		Palladium Holdings, LLC 301 Clifton Ave Minneapolis, MN Assigns Judgment document no(s) 4747638
4768581	Notice of Intention to Redeem	Jul 8, 2010 9:31 AM		The Public. Given by Palladium Holdings, LLC Regarding Sheriff's Certificate document no(s) 4721940

Indexes Verified through 7/7/2010

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed the seal of my office this 1st day of February, 1994.

R. Dan Carlson

Registrar of Titles,

In and for the County of Hennepin and State of Minnesota.



IN THE UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

In Re: Dennis E. Hecker, Bankruptcy Case No. 09-50779

AFFIDAVIT OF SERVICE BY MAIL

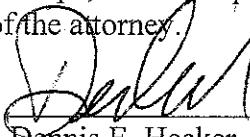
Dennis E. Hecker, being first duly sworn upon oath, states that on August 18, 2010, he served the attached:

- 1) Objection of Dennis E. Hecker to Motion for Approval of Settlement Agreement; and
- 2) Affidavit of Dennis E. Hecker in Support of Objections to Trustee's Motion for Approval of Settlement and exhibits A-F.

on the following attorneys:

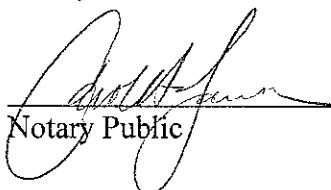
Mathew R. Burton, Esq.
LEONARD, O'BRIEN, SPENCER,
GAYLE & SAYRE, LTD.
100 South Fifth Street
Suite 2500
Minneapolis, MN 55402

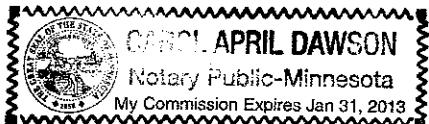
By hand delivering a copy thereof, enclosed in an envelope, in Minneapolis, MN, to the attorney at the above address which is the last known address of the attorney.


Dennis E. Hecker

Subscribed and sworn to before me

this 18th day of August, 2010.



Notary Public

RECEIVED

Dennis E. Hecker
1615 Northridge Drive
Medina, MN 55357

10 AUG 18 PM 12: 03

U.S. BANKRUPTCY COURT
MINNEAPOLIS, MN

August 18, 2010

Via Hand Delivery

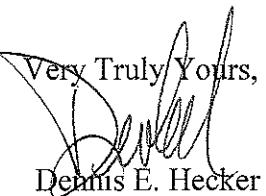
Clerk of Court
United States Bankruptcy Court
District of Minnesota
300 South 4th Street, Suite 301
Minneapolis, MN 55415

In Re: *Dennis E. Hecker, Debtor*
 Bankruptcy Case No. 09-50779

Dear Madam or Sir:

Enclosed for filing regarding the 2:00 p.m. hearing scheduled today, August 18, 2010 before Judge Kressel, please find the following:

- 1) Objection of Dennis E. Hecker to Motion for Approval of Settlement Agreement; and
- 2) Affidavit of Dennis E. Hecker in Support of Objections to Trustee's Motion for Approval of Settlement and exhibits A-F.

Very Truly Yours,

Dennis E. Hecker

Enclosures

cc: Mathew R. Burton, Esq.